

A person who feels that he has been discriminated against may make a complaint, in writing, to the Director of Industrial Relations, Department of Labour, Ottawa. An officer of this Department may then be directed to make an immediate inquiry into the complaint and try to bring about a satisfactory settlement by conciliation. It is hoped that most complaints will be settled at this stage.

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If the officer is not able to bring about a settlement, the Minister of Labour is empowered by the Act to set up an Industrial Inquiry Commission to investigate the complaint and to make recommendations to the Minister as to how it can best be settled. When he receives the final report of the Commission, he will furnish a copy to each of the persons affected, and he may make the report public if he thinks it advisable.

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The Minister is empowered to issue any order he considers necessary to carry a recommendation of the Commission into effect and such orders are final and binding on the parties. The Act provides penalties for any person or organization convicted of refusing or neglecting to do anything required by the Act.

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The Act provides for recovery of loss of wages suffered by a person who has been discriminated against. When an employer has been convicted of discrimination—that is, when he has discharged an employee contrary to the Act, or has transferred him or laid him off—the court may order the employer to pay the employee compensation for his loss of wages up to the time of the employer's conviction. The court is also empowered to order the reinstatement of the employee in the position

he would have held if the act of discrimination had not taken place.

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Persons who lay complaints under the Act are protected against retaliatory action. The Act states that no employer or trade union shall discharge or expel any person, or discriminate against him in any way, because he has made a complaint under the Act. There is a similar protection for persons who give evidence or assist in any way in the initiation or prosecution of a complaint.

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There are two other federal anti-discrimination measures. One of these, a provision in the Unemployment Insurance Act, provides that it is the duty of the Unemployment Insurance Commission to ensure that there is no discrimination by the National Employment Service in referring workers to jobs. In effect, this incorporated into the Unemployment Insurance Act a policy previously followed by the Employment Service. The other measure is an Order-in-Council which requires that a provision be inserted in all federal government construction and supplies contracts, prohibiting discrimination in employment by the contractor.

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Requests for information or advice concerning the Canada Fair Employment Practices Act should be directed to the Industrial Relations Branch, Department of Labour, Ottawa.

EDMOND CLOUTIER

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Discrimination

in employment

because of

- race
- colour
- religion
- national origin

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The Canada Fair Employment Practices Act is designed to safeguard the right of equality of opportunity in employment.



FEDERAL DEPARTMENT OF LABOUR

MILTON F. GREGG
Minister

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Deputy Minister

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THE CANADA FAIR EMPLOYMENT PRACTICES ACT

The Canada Fair Employment Practices Act, which came into effect on July 1, 1953, is designed to prevent and eliminate practices of discrimination against persons in regard to employment and in regard to membership in a trade union because of race, national origin, colour or religion.

Parliament, in passing the Act, was translating into law a basic principle of human rights.

As a member of various international organizations, Canada in recent years has subscribed to general declarations of the basic rights and liberties of the individual. For instance, this country accepted the United Nations Charter and declaration of human rights, and the declaration of aims of the International Labour Organization.

Among these declarations of rights was one which this legislation is designed to protect—the right of equality of opportunity in employment.

It is recognized that legislation, by itself, can not entirely change the attitudes of mind which are at the root of discrimination. The discussions which took place while the Act was before Parliament emphasized the need for continued public and private educational efforts to do away with prejudice and ignorance.

Like other Federal legislation in the labour field, the Act applies only to works and businesses within Federal Jurisdiction, but the hope was expressed in Parliament that the legislation would have a far-reaching and healthy influence all across the country.

While the Act lays down penalties for positive acts of discrimination, it is expected that most of the cases that arise will be settled by conciliation, without any need for recourse to the courts. Experience with similar legislation in other places has shown that the existence of the legislation alone is sufficient in many cases to prevent discrimination. Then, too, it is likely that many cases of discrimination will be found to have been caused by misunderstanding or thoughtlessness on the part of one or both of the parties, and that in such cases complaints will be ironed out without difficulty.

None of the provisions of the Act are to be interpreted as requiring anyone to employ a person, or to take any other action, contrary to government security regulations.

The Act states that no employer shall refuse to employ, or continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment, because of his race, national origin, colour or religion. Further, an employer is not to use any employment agency which practices discrimination against persons seeking employment.

Employers are not to make written or oral inquiries or to use application forms relating to employment which express directly or indirectly any limitation, specification or preference based on race, national origin, colour

or religion, except where based on a bona fide occupational qualification. There are similar provisions against discriminatory advertising.

The Act also forbids discriminatory actions by labour unions. No labour union may exclude anyone from full membership, or expel, suspend or otherwise discriminate against any of its members, or discriminate against any one in regard to his employment because of race, colour, national origin or religion.

The Act applies to employers in essentially the same industries and undertakings as does the Industrial Relations and Disputes Investigation Act. These are the undertakings which are within the legislative jurisdiction of the Parliament of Canada. It applies also to trade unions, to the extent that their operations fall within federal jurisdiction. The Act does not apply to employers of fewer than five employees, and it excludes non-profit educational, fraternal, charitable, religious and social organizations.

The works and undertakings to which the Act applies include those in navigation and shipping, railways, canals, telegraphs, aerodromes, airlines, radio and television broadcasting, banks and federal crown corporations, as well as to works or undertakings that have been declared to be for the general advantage of Canada, or are outside the exclusive jurisdiction of the provincial legislatures.